IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

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| JAMES MATHEWS, JR. | § | |
| | § | |
| VS. | § | |
| | § | Civil Action No. ___________ |
| CITY OF BEAUMONT, BECKY AMES, | § | |
| TYRONE COOPER and ANNE HUFF | § | |

**DEFENDANTS' NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

**I.**

**CITY OF BEAUMONT, BECKY AMES, TYRONE COOPER and ANNE HUFF** are Defendants in a civil action brought in the 172ND Judicial District Court of Jefferson County, Texas, and entitled *James Mathews, Jr. vs. City of Beaumont, Becky Ames, Tyrone Cooper and Anne Huff,* Cause No. E189-911. A copy of the Plaintiff's Original Petition in that action is attached hereto as Exhibit "A."

**II.**

The Plaintiff's Original Petition for this cause of action was first filed on April 29, 2011. Defendants were served with process beginning on May 4, 2011. Defendants filed their Original Answer on May 26, 2011. This Notice of Removal is filed with this Court within thirty days after service of Plaintiff's Original Petition on the removing parties and in compliance with 28 U.S.C. §1446(b). All Defendants join in and/or consent to this removal.

**III.**

The Plaintiff's Original Petition seeks recovery under 42 U.S.C. §1983 alleging various United States Constitutional violations including violations of the Fourth and Fourteenth Amendments to the Constitution and asserting denial of equal protection and denial of property rights without due process of law. The nature of this action is more fully stated in Plaintiff's Original Petition, a copy of which is filed herewith and attached hereto as Exhibit "A."

**IV.**

This Court has original jurisdiction over the causes of action alleged by Plaintiff pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1367. Therefore, pursuant to the provisions of 28 U.S.C. §1441 et. seq., this cause of action may be removed to the United States District Court for the Eastern District of Texas, Beaumont Division.

**V.**

Defendants file herewith copies of all process, pleadings, and orders received by counsel for Defendants (see Exhibit "B").

**VI.**

Promptly after filing of this Notice of Removal, written notice thereof will be given to all parties, and a copy of this Notice will be filed with the Clerk of the District Courts, Jefferson County, Texas to effect the removal of such civil action to this Honorable Court as provided by law.

WHEREFORE, PREMISES CONSIDERED, Defendants, **CITY OF BEAUMONT, BECKY AMES, TYRONE COOPER and ANNE HUFF,** pray that this Notice of Removal be accepted as good and sufficient, that the aforesaid Plaintiff's Original Petition be removed from State Court to this Honorable Court for determination as provided by law, and that this Court enter such orders and issue such process as may be proper to bring before it copies of all records and pleadings in such civil action from State Court, and thereupon proceed with this civil action as if it had been originally commenced in this Court.

Respectfully submitted,

CALVERT EAVES CLARKE & STELLY, L.L.P.
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**ATTORNEY FOR DEFENDANTS,**
**CITY OF BEAUMONT, BECKY AMES,**
**TYRONE COOPER and ANNE HUFF**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was furnished to all counsel of record by:

__X__ Electronic Filing

on this 27th n day of MAY, 2011.

Frank D Calvert
Frank D. Calvert